



August 31, 2023

Ms. Katie Merritt, Director of Policy and Planning  
Pennsylvania Insurance Department  
1326 Strawberry Square Harrisburg, PA 17120  
Email: [ra-in-policyoffice@pa.gov](mailto:ra-in-policyoffice@pa.gov)

**RE: Response to Pennsylvania Insurance Department Notice 2023-14 re Commonwealth Essential Health Benefits Benchmark Plan**

Dear Ms. Merritt:

On behalf of Highmark Inc., I am submitting comments for your consideration pursuant to Notice 2023-14, published in the July 29, 2023 *Pennsylvania Bulletin*. We appreciate the opportunity to provide comments. As part of Highmark Health's blended health care structure, Highmark Inc. appreciates the opportunity to inform your consideration of updating the Commonwealth of Pennsylvania's essential health benefits plan (EHB) benchmark plan.

Highmark has been an integral participant in Pennsylvania's Affordable Care Act (ACA) marketplace since the inception of the ACA. We also participate in Delaware's, West Virginia's and New York's ACA marketplaces, providing benefits to members across the four states. Our diverse clinical team, including direct care providers at the Allegheny Health Network, take great care in providing expert medical review, advice and guidance in assuring our members have access to affordable, quality health care services.

We understand the Commonwealth has three options for selecting an updated EHB Benchmark Plan:

- Option 1: Select the EHB-benchmark plan another State used for the 2017 plan year
- Option 2: Replace one or more categories of EHBs under its EHB benchmark plan used for the 2017 plan year with the same category or categories of EHB from the EHB benchmark plan another State used for the 2017 plan year
- Option 3: Otherwise select a set of benefits that would become the State's EHB benchmark plan

Based on the July 29, 2023 bulletin notice, it is unclear to Highmark which option the Commonwealth may choose, and each option provides its own unique possibilities for a change to Pennsylvania's benchmark plan. From our experience and knowledge with the Pennsylvania market, we do not see any significant benefit gaps in the ACA marketplace. In addition to the current EHB requirements, the available clinical data drives Highmark's coverage

determinations on behalf of our customers. We encourage the Commonwealth to take the same approach and heavily weigh clinical evidence when considering whether to add or remove benefits from the EHB benchmark plan.

We see an ever-increasing sensitivity to the cost of ACA health insurance benefits. Customers, who are forced to balance the cost of health insurance and other expenses, continuously seek the most affordable benefit packages that best address their health care needs. Highmark urges the Department to consider the impact of increasing cost pressure to customers through added benefits. The consequences of additional cost pressures on premiums result in unintentionally forcing unsubsidized individuals into plans with higher cost sharing (i.e., out of pocket costs) and force non-grandfathered, non-grandmothered small groups to consider other alternatives such as self-insurance. We would also note the uncertainty surrounding the ACA enhanced advance premium tax credits, which are set to expire at the end of 2025, which will require Congressional action to extend these subsidies. Should these enhanced subsidies expire, the costs of additional benefits will impact a greater number of Pennsylvanians purchasing individual coverage. Providing comprehensive coverage must be balanced appropriately with affordability.

Highmark also recommends a completely transparent process in which the Department shares all public comments, actuarial analysis, and other relevant information and data used in determining any changes to the EHB. Prior to publishing any final determination of a revised EHB package, the Department should consider engaging with the PENNIE Board to review proposals, relevant data, and other material used in the EHB analysis.

We look forward to learning more about the Commonwealth's proposed approach to updating EHBs, the clinical data it will use in making any such updates, and the actuarial impact such updates will have on our customers.

Should you have any questions or wish to discuss our response, please feel free to contact me via e-mail at: [tija.hilton-phillips@highmark.com](mailto:tija.hilton-phillips@highmark.com) or via telephone at (717) 887-7663.

Sincerely,  
*Tija R. Hilton-Phillips*  
Tija R. Hilton-Phillips, Esq.  
Director, Regulatory Affairs  
Highmark Inc.

cc:

M. Warfel  
M. Yantis